

St. Louis City Ordinance 62428

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 206

INTRODUCED BY ALDERMAN MARIT CLARK

An ordinance affirming that the area blighted by Ordinance 60523 and described in Exhibit "A-1", attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1988, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), and finding that certain property located in the City of St. Louis ("City"), known and numbered 3080 Spruce St., and further described in Exhibit "A-2", attached hereto and incorporated herein by reference, is blighted, which together are known as the 545 South Ewing Area ("Area"), and more fully described in Exhibit "A-3", attached hereto and incorporated herein by reference; finding and affirming that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Amended Plan dated August 27, 1991 for the Area ("Amended Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that the property in the Area may not be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the Area is partially occupied, and that the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that these shall be available up to a twenty-five (25) year tax abatement; pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan and containing an emergency clause.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the property known and numbered 3080 Spruce St. and more fully described in Exhibit "A-2"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, by Ordinance 60523, this Board found the property located in the 545 South Ewing Area, as described in Ordinance 60523, to be a "blighted area" as defined in Section 99.320 of the Statutes and said property remains blighted; and

WHEREAS, by Ordinance 60523, this Board also approved a Redevelopment Plan for the 545 South Ewing Area, dated October 30, 1987; and

WHEREAS, it is desirable and in the public interest to expand the 545 South Ewing Area to include 3080 Spruce St. and to amend the Redevelopment Plan approved by Ordinance 60523 to include the expanded Area; and

WHEREAS, the LCRA has recommended the Amended Plan to the Community Development Commission ("CDC") and to this St. Louis Board of Aldermen ("Board") titled "Blighting Study and Amended Plan for 545 South Ewing Area", dated August 27, 1991, consisting of a Title Page, a Table of Contents Page, and fifteen (15) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Amended Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Amended Plan in the Area; and

WHEREAS, the LCRA and CDC have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and CDC of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Amended Plan has been presented and recommended by LCRA and CDC to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and CDC has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and CDC; and

WHEREAS, the Amended Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, age, marital status or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Amended Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The finding of the Board of Aldermen, by St. Louis Ordinance 60523, that certain property described therein (and described herein in Exhibit "A-1" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320 of the Revised Statutes of Missouri, 1988, as amended, (the "Statute" being Section 99.300 to 99.715 inclusive) is hereby confirmed.

SECTION TWO. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1988, as amended, consisting of property known and numbered 3080 Spruce St., more fully described in Exhibit "A-2", attached hereto and incorporated herein, (the

property described in Exhibits "A-1" and "A-2" are herein collectively known and the "Area").

SECTION THREE. The redevelopment of the Area as described in Exhibits "A- 1" and "A-2" together and in Exhibit "A-3", also attached hereto and incorporated herein, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City of St. Louis.

SECTION FOUR. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FIVE. The Blighting Study and Amended Plan for the Area, dated August 27, 1991 ("Amended Plan"), having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

SECTION SIX. The Amended Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SEVEN. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION EIGHT. The Amended Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION NINE. The Amended Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire by the exercise of eminent domain any property in the Area.

SECTION TEN. The Area is currently partially occupied and all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, the Redeveloper shall provide timely notice of redevelopment activities to all occupants.

SECTION ELEVEN. The Amended Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION TWELVE. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION THIRTEEN. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION FOURTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide minority and women subcontractors and material suppliers will be solicited and fairly considered for subcontractors and purchase orders by the general contractor and other subcontractors under the general construction contracts let directly by the Redeveloper;

(c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the Community Development Commission of the City of St. Louis ("CDC");

(d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated December 6 1984 and January 10, 1990;

(e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Fourteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The terms "minority contractor" or "minority material supplier" shall mean a business enterprise at least fifty-one percent (51%) of which is owned and controlled by members of minorities. The terms "members of a minority" or "minority" mean Black Americans, Native Americans, Hispanic Americans, Asians, Pacific Islanders and other protected classes.

The terms "woman contractor" and "woman material supplier" shall mean a business enterprise at least fifty-one percent (51%) of which is owned and controlled by women.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FIFTEEN. A Developer shall hereby be entitled to the ad valorem tax abatement benefits for a period of up to twenty-five (25) years from the commencement of such tax abatement. If property is sold by the LCRA to a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon during the calendar year preceding the calendar year during which such corporation shall have

acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the property, land and improvements during the calendar year preceding the calendar year which such corporation shall lease such property. For the ensuing fifteen (15) year period following the original period stated above, any such corporation shall pay taxes, or payments in lieu of taxes, in an amount based upon fifty percent (50%) of the then normal assessment of the land and improvements and thereafter shall pay in the amount of full taxes. All payments in lieu of taxes shall be a lien upon the property, and when paid to the Collector of Revenue of the City of St. Louis, shall be distributed as all other property taxes. Said partial tax relief and payments in lieu of taxes provisions during said twenty-five (25) year period shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA; however, in no event shall such benefits extend beyond twenty-five years after the redevelopment corporation shall have acquired title to the property.

SECTION SIXTEEN. Where a proposed modification will substantially change the Amended Plan, the modification must be approved by this Board in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Amended Plan.

The Amended Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such modification shall be effective only upon the consent of the CDC. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

SECTION SEVENTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and

inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION EIGHTEEN. This Ordinance, being necessary for the immediate preservation of public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20, of the Charter of The City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

EXHIBIT B

FORM: 8/27/91(FS)

BLIGHTING STUDY AND AMENDED PLAN

FOR

545 SOUTH EWING AREA

PROJECT # 67

LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY

OF THE CITY OF ST. LOUIS

SEPTEMBER 16, 1987

AMENDED AUGUST 27, 1991

MAYOR

VINCENT C. SCHOEMEHL, JR.

BLIGHTING STUDY AND AMENDED PLAN FOR

545 SOUTH EWING AREA

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EXHIBITS

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Amended 545 South Ewing Area (the "Area") is located south of Interstate 64 (U.S. 40) and is bounded by Compton Ave. on the west, Spruce St. on the north, South Ewing Ave. on the east and railroad tracks to the south. The Area encompasses approximately 28 acres in the Midtown Neighborhood of the City of St. Louis.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" (Project Area Plan).

2. GENERAL CONDITION OF THE AREA

The Area comprises all of City Blocks 2238, 2239, 2251, 2252 and 6475 and a portion of City Blocks 2237, 2239, 2550, 1738 and 6479, and includes the twenty-three (23) acres of the original plan plus an additional six (6) acres currently used for parking and landscaping known as 3080 Spruce Street. The Area is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, fair condition means property that is generally structurally sound but suffers from inadequate maintenance and upkeep. Poor condition means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.1% unemployment rate for the City of St. Louis as of April, 1991.

It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 214 jobs within the Area.

3. PRESENT LAND USE AND DENSITY OF THE AREA

Existing land uses within the Area includes office, light industrial and related parking facilities.

The land use, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

4. PRESENT LAND USE OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily commercial and industrial uses.

Residential density for the surrounding neighborhoods is approximately 12.3 persons per acre.

5. CURRENT ZONING

The Area is zoned "J" Industrial District pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area that is in City Block 6475 was determined to be blighted by Ordinance 60523. The portion of the Area in City Block 6479 known as 3080 Spruce Street is underutilized and in fair condition (as those terms are defined in Section A(2) above). The existence of underutilized and deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive office/light industrial uses.

The development activity proposed by this Plan contemplates construction of new office/light industrial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are office/light industrial uses permitted in Areas designated "J" Industrial District by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations, or automobile dealers (new or used).

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "J" Industrial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Approximately 10 to 30 new permanent jobs will be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City of St. Louis Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Heritage and Urban Design Commission (HUDC) of the City of St. Louis. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. URBAN DESIGN

a. Urban Design Objectives

The intent is to develop structures and related parking facilities which are attractively landscaped, relate well to neighboring buildings, and contribute to form a more distinctive and cohesive corporate campus.

b. Urban Design Regulations

New structure shall be compatible with existing structures in the Area in terms of general massing, setbacks, exterior finish materials and colors and design expression.

c. Landscaping

The Area shall be extensively landscaped with trees, shrubs and surface treatment which blend well with the existing attractively landscaped setting. Perimeter street trees of at least 2-1/2 inches in caliper shall be provided near the curbs on public streets fronting onto the campus. These trees shall be approximately 25 feet on center, and shall be a type approved by the City Forestry Division.

d. Fencing

Consideration shall be given to utilizing decorative metal fencing where enclosure is necessary along public streets. Otherwise, non- barbed chain link fencing with a black matte finish is acceptable.

Each Redeveloper shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including HUDC standards. This will provide adequate vehicular parking for the Area.

Surface parking shall not extend beyond the established building line and along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, HUDC stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs, and a sign for the institutional use as presented in the zoning district.

New wall signs shall not obstruct any architectural building elements, shall be placed only on the fronts of buildings or on those sides of the buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and the total sign area shall be the lesser of either one hundred (100) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed. Signage on awnings is limited to awning apron. In no case shall signage be allowed on both an awning apron and a building for the same business.

A ground or monument sign per use may be permitted provided it does not exceed eight (8) feet in height nor exceed twenty-five (25) square feet per side,

and provided the LCRA confirms that such a sign is required based upon the use, location or siting of the structure.

Painted wall signs, pole signs, moving signs, animated or flashing signs or permanent or portable message board signs shall not be permitted in the Area and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City of St. Louis without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

It is anticipated that the implementation of this Plan will take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance, and completed within approximately three (3) years of approval of this Plan by ordinance. Additional phases may take place if dictated by the need for further expansion.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire, by exercise of eminent domain, any properties in the Area.

3. PROPERTY DISPOSITION

If the LCRA acquires property, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, as determined by an appraiser, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, timely notice of development activities shall be provided to all occupants.

E. COOPERATION OF THE CITY

The City of St. Louis and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed ten (10) years from commencement of such tax abatement. A Redeveloper may seek such tax abatement only pursuant to

Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement for a total period of up to twenty-five (25) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

For the ensuing period of up to fifteen (15) years following the original period stated above, any such corporation shall pay taxes and payments in lieu of taxes as provided above in an amount based upon fifty percent (50%) of the then normal assessment of the land and improvements. Thereafter any such corporation shall pay the full amount of taxes.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City of St. Louis, shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said twenty-five (25) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such

benefits extend beyond twenty-five (25) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the Community Development Agency Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City of St. Louis, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Where a proposed modification will substantially change this Plan, the modification must be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on

the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such modification shall be effective only upon the consent of the St. Louis Community Development Commission. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years (25) commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

545 SOUTH EWING AREA LEGAL DESCRIPTIONS

PARCEL 1

A tract of land being part of "Gabriel S. Chouteau's Subdivision" and part of "Mill Creek Valley Subdivision" in Blocks 2237, 2238, 2239, 2250, 2251, 2252, 6475 and 6479 of the City of St. Louis, Missouri, together with the vacated streets and alleys lying therein and described as follows:

Beginning at a point the southern line of Spruce Street, (50 foot wide Outer Road) at its intersection with the western line of Ewing Avenue, 60 feet wide; thence along the western line of Ewing Avenue, south 14 degrees 32 minutes 13 seconds west, 125.96

feet and south 25 degrees 23 minutes 10 seconds west, 291.47 feet to a point; thence leaving said western line and running south 64 degrees 36 minutes 50 seconds east, 30.00 feet to a point on the centerline of Ewing Avenue; thence along said centerline, south 25 degrees 23 minutes 10 seconds west, 131.83 feet to a point on the eastward prolongation of the southern line of vacated Atlantic Street, 40 feet wide; thence along said prolongation, north 78 degrees 09 minutes 02 seconds west, 30.86 feet to a point on the western line of Ewing Avenue; thence along said western line, south 25 degrees 23 minutes 10 seconds west, 120.62 feet to a point 10 feet perpendicular distant north of the outside edge of the north rail of Terminal Railroad Association Track No. 55; thence along a line parallel with and 10 feet north of said Track No. 55, the following: north 75 degrees 52 minutes 54 seconds west, 174.76 feet to a point of curve; thence northwestwardly along a curve to the right having a radius of 3786.00 feet an arc distance of 361.87 feet to a point of tangency; thence north 70 degrees 24 minutes 20 seconds west, 33.91 feet to a point on the centerline of vacated Montrose Street, 60 feet wide; thence leaving said line parallel with Track No. 55 and running along the centerline of vacated Montrose Street, south 14 degrees 29 minutes 30 seconds west, 9.87 feet to a point on the eastward prolongation of the centerline of the east and west 20 foot wide vacated alley in City Block 2250; thence along said prolongation and along said alley centerline, north 75 degrees 07 minutes 48 seconds west, 261.30 feet to its intersection with the centerline of the 15 foot wide vacated north and south alley in City Block 2250; thence along said alley centerline, north 14 degrees 47 minutes 53 seconds east, 5.01 feet to a point on the eastward prolongation of the southern line of Lot 13 in City Block 2250; thence along said prolongation, along the south line of Lot 13 and along its westward prolongation, north 75 degrees 07 minutes 48 seconds west, 172.50 feet to a point on the centerline of vacated Cardinal Avenue, 80 feet wide; then along the centerline of vacated Cardinal Avenue, north 14 degrees 47 minutes 06 seconds east, 14.99 feet to a point on the eastward prolongation of the southern line of Lot 14 in City Block 2237; thence along said prolongation, along the southern line of Lot 14 and along its westward prolongation, north 75 degrees 07 minutes 48 seconds west, 172.72 feet to a point on the centerline of the north and south 15 foot wide vacated alley in City Block 2237; thence along said alley centerline, north 14 degrees 47 minutes 53 seconds east, 2.26 feet to a point on the eastward prolongation of the northern line of the east and west 15 foot wide vacated alley in City Block 2237; thence along said prolongation and along said northern alley line, north 72 degrees 49 minutes 41 seconds west, 213.04 feet to the southwest corner of Lot 3 in Block 8 of "Gabriel S. Chouteau's Subdivision" in City Block 2237; thence along the western line of said Lot 3, north 14 degrees 47 minutes 53 seconds east, 46.77 feet to a point 10 feet perpendicular distance north of the outside edge of the north rail of Terminal Railroad Association Track No. 55; thence along a line parallel with and 10 feet north of said Track No. 55, north 70 degrees 24 minutes 20 seconds west, 61.35 feet to a point on the eastern line of Compton Avenue,

60 feet wide; thence along the eastern line of Compton Avenue, north 14 degrees 47 minutes 53 seconds east, 486.94 feet to a point; thence leaving said eastern line and running the following bearings and distances: south 75 degrees 12 minutes 07 seconds east, 240.00 feet; north 14 degrees 47 minutes 53 seconds east, 50.00 feet; south 75 degrees 12 minutes 07 seconds east, 421.62 feet and north 14 degrees 47 minutes 53 seconds east, 359.61 feet to a point on the southern line of Spruce Street, as aforementioned; thence along the southern line of Spruce Street the following: southeastwardly along a curve to the right having a radius of 458.86 feet an arc distance of 85.09 feet to a point of reverse curve; then southeastwardly along a curve to the left having a radius of 539.56 feet an arc distance of 545.56 feet to a point of tangency; thence south 75 degrees 27 minutes 47 seconds east, 379.33 feet to the point of beginning and containing 22.957 acres.

PARCEL 2

A tract of land, being part of "Gabriel S. Chouteau's Subdivision" in part of Blocks 2239 and 2240 of the City of St. Louis, Missouri, together with the vacated streets and alleys within and described as follows:

Commencing at a point on the eastern line of Compton Avenue, 60 feet wide, said point being 10 feet and perpendicular distance north of the outside edge of the north rail of the Terminal Railroad Association Track No. 55; thence along the eastern line of said Compton Avenue, north 14 degrees 47 minutes 53 seconds east 488.94 feet to the point of beginning of the herein described tract of land; thence continuing along said eastern street line, north 14 degrees 47 minutes 53 seconds east, 310.00 feet to a point on the southern line of property conveyed to the State of Missouri; thence along the southern and eastern line of said property the following bearings and distances; south 75 degrees 12 minutes 07 seconds east, 50.00 feet; north 14 degrees 47 minutes 53 seconds east, 107.50 feet; south 75 degrees 12 minutes 07 seconds east, 10.00 feet; north 14 degrees 47 minutes 53 seconds east, 107.70 feet; south 75 degrees 08 minutes 12 seconds east, 125.02 feet; north 14 degrees 51 minutes 48 seconds east, 20.0 feet; south 75 degrees 08 minutes 12 seconds east, 158.38 feet; south 57 degrees 41 minutes 19 seconds east, 149.31 feet; south 46 degrees 45 minutes 06 seconds east, 119.51 feet; south 31 degrees 36 minutes 21 seconds east, 48.14 feet; south 74 degrees 52 minutes 53 seconds east, 35.87 feet; to a point, thence departing the last mentioned line, south 14 degrees 47 minutes 53 seconds west, 359.61 feet to a point; thence north 75 degrees 12 minutes 07 seconds west, 9.68 feet; thence north 14 degrees 47 minutes 53 seconds east, 4.04 feet to the southeast corner of the concrete foundation of an existing brick building; thence along the exterior fact of said foundation the following bearings and distances: north 14 degrees 53 minutes 18 seconds east, 153.23 feet; north 75 degrees 23 minutes 14 seconds west, 40.00 feet; north 14 degrees 27 minutes 33 seconds east, 89.90 feet; north 75 degrees 16 minutes 53 seconds west, 40.00 feet;

north 14 degrees 44 minutes 27 seconds east, 89.90 feet; north 75 degrees 13 minutes 01 seconds west, 122.97 feet; south 14 degrees 46 minutes 59 seconds west, 60.00 feet; north 75 degrees 13 minutes 35 seconds west, 36.79 feet; north 14 degrees 38 minutes 58 seconds east, 30.00 feet; north 75 degrees 21 minutes 07 seconds west, 83.20 feet; south 14 degrees 40 minutes 16 seconds west, 93.22 feet; south 75 degrees 04 minutes 43 seconds east, 40.00 feet; south 14 degrees 55 minutes 17 seconds west, 56.71 feet; north 75 degrees 04 minutes 43 seconds west, 40.00 feet; south 14 degrees 48 minutes 29 seconds west, 156.75 feet to a point; thence departing said foundation north 75 degrees 12 minutes 07 seconds west, 88.59 feet; thence south 14 degrees 47 minutes 53 seconds west, 50.00 feet; thence north 75 degrees 12 minutes 07 seconds west, 240.00 feet to the point of beginning and containing 4.888 acres more or less.

INSERT EXHIBITS "B" "C" "D"

--Not Available in Electronic Format--

EXHIBIT "E"

FORM: 11/05/90

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, and any entity formed to implement the project of which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Orders of the Mayor of the City dated December 6, 1984 and January 10, 1990, and all guidelines herein.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

In the redevelopment of the Area, there shall be maximum utilization of bona fide minority business enterprises ("MBE's") and women business enterprises ("WBE's") and, together with MBE's, "disadvantaged business enterprises" or "DBE's" The Redeveloper will set a minimum goal of twenty-five percent (25%) MBE participation and five percent (5%) WBE participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause therefor; provided however, that this requirement will be deemed to have been met when documentation evidences that all available resources (i.e. DBE suppliers,

contractors, and subcontractors) willing to perform the work or provide the supplies-- at a price which (i) is within the range requested by non-DBE's; or (ii) if higher than that requested by non-DBE's, is attributable to the effects of past discrimination--have been exhausted.

For purposes of this section, the term "minority business enterprise" (or "MBE") means a business at least fifty-one percent (51%) of which is owned and controlled by minority group members. The term "women business enterprise" (or "WBE") means a business at least fifty-one percent (51%) of which is owned and controlled by females.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease, rental, use or occupancy of any property, or any Improvements erected or to be erected in the Area or any part thereof, and those covenants shall run and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper agrees that if the redevelopment of the Area creates permanent jobs, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment (SLATE) and the LCRA for referral of Jobs Training Partnership Act (JTPA) eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
09/20/91	09/20/91	PS		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
			11/08/91	11/08/91
ORDINANCE	VETOED		VETO OVR	
62428				